

Substitute "A"

**ORDINANCE NO. 12-293**

**BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, that Chapter 8, Article IV Taxicabs and Limousines of the Code of Ordinances of the City of Huntsville, as amended, is hereby further amended to read as follows:

**CHAPTER 8**

**ARTICLE IV**

**TAXICABS AND LIMOUSINES**

DIVISION 1. - GENERALLY  
DIVISION 2. - LICENSES  
DIVISION 3. - CONDITION AND INSPECTION OF VEHICLES  
DIVISION 4. - OPERATIONS  
DIVISION 5. - OUT-OF-SERVICE CRITERIA

**DIVISION 1. - IN GENERALLY**

**Sec. 8-151. Definitions.**

Unless otherwise expressly provided the following words, for the purpose of this chapter, shall have the meaning herein indicated:

*Airport shuttle* shall mean an un-metered sedan, mini-van, stretch luxury vehicle commonly referred to as a limousine, or van, not operated on a fixed route, with a maximum passenger seating capacity of fourteen (14) persons that is used in the business of transporting passengers or baggage for compensation to and/or from the Huntsville International Airport.

*Business* shall mean a single act of transporting a passenger or passengers for compensation.

*Carriage* shall mean a non-motorized vehicle drawn by horse that is used in the business of transporting passengers for compensation at an hourly rate or on a per trip basis upon the public streets of the City of Huntsville, Alabama.

*Certificate of Public Convenience and Necessity or the term "certificate"* shall mean the certificate issued pursuant to a resolution of the City Council of the City of Huntsville, Alabama,

adopted in accordance with the terms of this chapter, that authorizes the holder thereof to obtain a privilege license(s) to operate or allow or cause to be operated in conformance with the certificate and the terms of this chapter a taxicab, limousine, airport shuttle, or carriage upon the public streets of the City of Huntsville, Alabama, for the convenience and necessity of the public.

*Certificate holder* shall mean any person or entity that has obtained a Certificate of Public Convenience and Necessity pursuant to this chapter.

*Certified vehicle for hire* shall mean only those vehicles, which have been certified and licensed according to the provisions of this chapter.

*Chief of Police* shall mean the Chief of Police of the City of Huntsville, Alabama or his/her designee. The Chief of Police may designate persons assigned to the Police Department or other City departments as deputies or inspectors to carry out the provisions of this chapter to the extent allowed by law.

*City* shall mean the City of Huntsville, Alabama.

*City chauffeur's license* shall mean a license issued by the Chief of Police for the operation of a certified vehicle for hire.

*City Clerk-Treasurer* shall mean the City Clerk-Treasurer of the City of Huntsville, Alabama or his/her designee.

*City Privilege License or "privilege license"* shall mean the privilege license issued to a certificate holder by the City Clerk-Treasurer for each taxicab, limousine, airport shuttle, and carriage authorized in the Certificate of Public Convenience and Necessity.

*Compensation* shall mean a return in money, property, or anything of value for the rendition of vehicle for hire service.

*Courtesy Vehicle* shall mean an unmetered motorized vehicle operated exclusively by, or under contract with, any motel, hotel, convention or civic center, hospital, business or other entity for the convenience of its customers, guests, patients, or clients, provided there is no direct or separate remuneration required of the passengers. Such terms shall include specially equipped vehicles used for the transportation of the physically disabled, chronically ill, and their attendants.

*Director of Parking & Public Transit* shall mean the Director of Parking & Public Transit of the City or his/her designee. The Director of Parking & Public Transit may designate persons assigned to the Department of Parking & Public Transit as deputies or inspectors

to carry out the provisions of this ordinance to the extent allowed by the law.

*Driver* shall mean a person operating a certified vehicle for hire upon the public streets of the City.

*Inspection sticker* shall mean the numbered and dated sticker affixed to the front windshield of any vehicle for hire denoting that vehicles successful inspection and authority to operate for the time period denoted on the sticker.

*Licensee or license holder* shall mean any person or entity, which has been issued a City Privilege License(s) in accordance with the provisions of this chapter.

*Limousine* shall mean a non-metered stretch luxury vehicle, commonly referred to as a stretch limousine, not operated on a fixed route, seating capacity in accordance with the manufacturer's specifications that is used in the business of transporting passengers for compensation, at an hourly rate, upon the public streets of the City.

*Operate* shall mean the transporting of a passenger or passengers for compensation upon the public streets of the City, and shall be synonymous with the word "drive."

*Owner or Company* shall mean any person or entity owning or controlling one or more taxicabs, limousines, airport shuttles, or carriages and driving or allowing or causing any such vehicle to be driven upon the public streets for compensation.

*Passenger* shall mean a person other than the driver who is an occupant of a certified vehicle for hire; for the purpose of this chapter; such person or persons shall be presumed to be a passenger or passengers for compensation.

*Permit Number* shall mean the number assigned by the City Clerk-Treasurer and displayed on each vehicle as required.

*Public streets* shall mean any public street, road, alley or any other such right-of-way within the City.

*Seating Capacity* shall mean the number of seats as provided by the vehicle's manufacturer with factory installed seat belts.

*Taxicab* shall mean a metered sedan or mini-van, not operated on a fixed route, with a maximum passenger seating capacity of seven (7) persons that is used in the business of transporting passengers for compensation based on metered rates upon the public streets of the City.

*Terminal* shall mean the fixed base of operations from which the certificate holder conducts his/her taxicab, limousine, airport shuttle, or carriage business.

*Vehicle for hire* shall mean any motor vehicle or other vehicle of whatever name called, which is used or operated for the purpose of transporting persons upon the public streets of the City with the intent to receive compensation for providing such transportation, and shall include but not be limited to taxicabs, limousines, airport shuttles, and carriages.

**Secs. 8-152 – 8-170. Reserved.**

## **DIVISION 2. – LICENSES**

### ***Subdivision I. – In General.***

**Secs. 8-171 – 8-180. Reserved.**

### ***Subdivision II. – Business License.***

**Sec. 8-181. Required.**

It shall be unlawful for any owner, or driver, to operate any taxicab, limousine, airport shuttle, or carriage, or to allow or cause the same to be operated upon the public streets of the City without having first obtained, and having then in force, a Certificate of Public Convenience and Necessity, City Privilege License(s) and inspection sticker issued pursuant thereto, as required according to the terms of this chapter.

**Sec. 8-182. Filing fee; application for certificate.**

- (a) Every person or entity who desires a Certificate of Public Convenience and Necessity to operate a taxicab, limousine, airport shuttle, or carriage shall pay a filing fee of fifty dollars (\$50.00) and make a written application for a certificate to the City Council upon forms to be furnished by the City Clerk-Treasurer, verified under oath stating:
  - (1) The name, address, and telephone number of the applicant, specifying, in the case of any unincorporated association, partnership, or firm, the names and addresses of each member or partner thereof, and the quantum of interest of each member or partner; and specifying in the case of any corporation, the names and addresses of each stockholder, officer, and director thereof, with the number of shares of stock

owned or held by each of them.

- (2) The amount(s) of all unpaid judgments against the applicant, each member, partner, officer, or director; the nature of the transaction or acts giving rise to said judgments; and, the name and location of the court in which and the date on which each was entered.
- (3) All misdemeanors or felonies of which the applicant and any member or partner thereof, if an unincorporated association, partnership, or firm, and any officer or director, if a corporation, has been convicted, stating the names and locations of the courts in which and the date on which such convictions were had and the penalties imposed therefore.
- (4) The location of any and all depot and terminals proposed to be used by the applicant. The applicant company must maintain a permanent depot, office located within the proper zoning category.
- (5) The number of vehicles, which the applicant wishes to operate.
- (6) A description of the insignia, trade name, and proposed color scheme for each vehicle. In the case of taxicab companies, the trade name must contain the word "taxicab," "taxi," or "cab."
- (7) A description of any and all services the applicant proposes to provide.
- (8) Any other relevant information which the City Clerk-Treasurer, Police Department, or Department of Parking & Public Transit may require.

**Sec. 8-183. Finding of Council.**

No Certificate of Public Convenience and Necessity shall be granted to operate any taxicab, limousine, airport shuttle, or carriage upon the public streets until the City Council shall have determined, by resolution, that the public convenience and necessity requires the proposed taxicab, limousine, airport shuttle, or carriage service; provided, however, that no such finding shall be necessary for the issuance of a privilege license to the holder of a Certificate of Public Convenience and Necessity that has not expired according to its terms, provided further that such company shall not be exempt from any and all other and further provisions of this chapter, including but not limited to any renewal provisions set forth in this chapter and any renewal provisions set forth in the certificate issued on or

before May 1, 2012.

**Sec. 8-184. Notice of hearing.**

Before making any finding as to whether public convenience and necessity justify the issuance of a Certificate of Public Convenience and Necessity for the proposed taxicab, limousine, airport shuttle, or carriage services, the City Council shall cause to be published, in a newspaper of general circulation in the City, a notice stating that such application has been made, the number of vehicles for which such application has been made, and that a public hearing shall be held to determine whether public convenience and necessity require such services on the date fixed therein, which date must be not less than seven (7) days after the date of such publication.

**Sec. 8-185. Basis for issuance generally.**

In making the findings of public convenience and necessity required by section 8-183, the City Council shall take into consideration the number of taxicabs, limousines, airport shuttles, or carriages already in operation in the City; whether existing transportation is adequate to meet the public need; the probable effect of additional taxicabs, limousines, airport shuttles, or carriages on local traffic conditions; the character, experience, and responsibility of the applicant; and that the service which the applicant proposes to give is adequate and is in compliance with the requirements of this chapter.

**Sec. 8-186. Number of taxicabs.**

In order to better control and regulate the taxicab operations within the City, the City Council shall not make a finding that the public convenience and necessity justify the issuance of a taxicab Certificate of Public Convenience and Necessity unless the application therefore shall provide for the operating of at least five (5) taxicabs. The intent being that no certificate for taxicab service shall be granted to any person or entity, unless such applicant operates five (5) or more taxicabs.

**Sec. 8-187. Prerequisites to issuance.**

- (a) Each applicant shall, before the issuance to him/her of a City Privilege License under this chapter, file with the City Clerk-Treasurer:
  - (1) A description of each vehicle to be operated by the applicant pursuant to the Certificate of Public Convenience and Necessity, including the make, model, passenger seating capacity, year of manufacture, state license number, the V.I.N. number thereof, and the

name and address of the owner.

- (2) A certificate of insurance that the applicant, or individual, and each taxicab, limousine, or airport shuttle to be licensed is insured against public liability in the minimum limits required by the Alabama Public Service Commission but in any event not less than one hundred thousand dollars (\$100,000.00) for personal injury to any one person in any one accident, and three hundred thousand dollars (\$300,000.00) for personal injury to two (2) or more people in any one accident, and fifty thousand dollars (\$50,000.00) for property damage in any one accident, which insurance policy and certificate shall provide that the City of Huntsville shall be given at least thirty (30) days prior notice of cancellation. Such policy shall not be canceled or suspended, either by the insured or the insurer, unless at least thirty (30) days notice in writing of the intention to cancel or suspend policy has been filed with the City Clerk-Treasurer, and upon such suspension or cancellation of insurance, the taxicab, limousine, or airport shuttle privilege license of said insured shall stand suspended until such time as an acceptable policy and certificate of insurance shall be on file with the City Clerk-Treasurer. Any vehicle licenses under this chapter capable of transporting more than seven (7) persons shall be insured in the minimum limits of as required by the Alabama Public Service Commission, but in no case for less than the limits required in this provision.

For existing certificate of insurance holders, this subsection shall become effective upon the earlier of the following: (i) upon renewal of current insurance or (ii) November 1, 2012.

- (3) Proof of insurance must be physically present in each licensed vehicle.
  - (4) Location of terminal
- (b) Failure to comply with subsection (a) within sixty (60) days, after the adoption of the resolution certifying the public convenience and necessity require the proposed service as required by section 8-183, shall cause the authorization for licensure to be deemed withdrawn for any vehicles not so reported and not so insured pursuant to subsection (a). The Director of the Department of Parking & Public Transit may grant a sixty (60) day extension for

good cause shown.

**Sec. 8-188. Issuance.**

- (a) If the City Council shall find that further taxicab, limousine, airport shuttle, or carriage service is required by public convenience and necessity, and if the City Council shall find from the statements contained in the application for a taxicab, limousine, airport shuttle, or carriage Certificate of Public Convenience and Necessity that the applicant is qualified and able to perform such public transportation, and that the applicant is able to conform with the provisions of this chapter, then the City Council shall adopt a resolution certifying that the public convenience and necessity require the proposed taxicab, limousine, airport shuttle, or carriage service. Such resolution may contain any qualifications or limitations the City Council deems appropriate to impose in order to protect the public and to promote the safe, efficient, and effective use of the public streets. It shall be unlawful and a cause for suspension or revocation of certification and licensure for any person or entity, including but not limited to owners and companies, to operate or allow or cause to be operated upon the public streets any certified vehicle for hire contrary to any qualifications or limitations imposed by the City Council in the resolution adopted in accordance with this section.
- (a) In addition, the resolution may contain an additional number of taxicabs, limousines, or airport shuttles, not to exceed four (4) vehicles per calendar year during the term of the certificate, that the applicant may be authorized to operate provided the applicant is found, at the time of the request for additional vehicles, to be operating in accordance with the provisions of this chapter. Such additional vehicles shall be subject to the same qualifications and limitations, if any, imposed on the initially certified vehicles by the City Council.
- (c) The resolution adopted by the City Council pursuant to the provisions hereof shall be known as the Certificate of Public Convenience and Necessity and shall entitle the holder thereof, or their designee, to apply for a City Privilege License in accordance with section 8-241-8-244 hereof for each vehicle authorized to operate upon the public streets by the certificate. The Certificate of Public Convenience and Necessity shall be conditioned upon compliance with section 8-187 within the time provided by that section.



- (d) Upon the certification of each taxicab, limousine, airport shuttle, or carriage proposed to be operated by the applicant pursuant to all requirements of this chapter, the City Clerk-Treasurer shall issue upon payment of a fee established by the privilege license code, a City Privilege License; provided, however, that as a prerequisite to issuance all required inspections shall have been passed, and the provisions of section 8-187 of this chapter shall have been complied with within the time provided. The privilege license shall state the name and address of the applicant, the date of the issuance of the privilege license, such qualifications and limitations which the City Council has imposed in its certificate of public convenience and necessity, and the permit number assigned to each such vehicle.
- (e) The number of privilege licenses issued by the City Clerk-Treasurer shall not exceed the number of vehicles authorized to operate by the Certificate of Public Convenience and Necessity issued by the City Council except as authorized in Section 8-187 of this chapter.
- (f) The issuance of a Certificate of Public Convenience and Necessity and City Privilege License shall not be construed to create a vested property interest or property right of any type in favor of the holder thereof.

**Sec. 8-189. Renewal.**

Upon the certification by the holder that there have been no changes in the information submitted as required by section 22-22 and upon the approval of the City Clerk-Treasurer, any taxicab, limousine, airport shuttle, or carriage privilege license authorized under this chapter may be renewed annually for additional periods of one year each from the date of expiration for so long as the Certificate of Public Convenience and Necessity authorizing such licensure has not expired according to its terms- Provided, however, that any privilege license not renewed after March 1 each year shall be deemed abandoned. A sixty (60) days extension may be granted by the City Clerk-Treasurer for good cause shown.

**Sec. 8-190. Increase in number of vehicles.**

- (a) In the event the City Council in accordance with section 8-183 of this chapter shall have authorized a certificate holder to add additional taxicabs, limousines, airport shuttles, or carriages, then such certificate holder who desires to add up to the approved number of such vehicles shall pay a filing fee of fifty dollars (\$50.00) and shall make a written application, on forms furnished by the City

Clerk-Treasurer, to the Director of the Department of Parking & Public Transit and Chief of Police. The application shall be verified under oath stating:

- (1) The name and address of the applicant.
  - (2) Whether any information furnished on the original application has changed, if so, indicate the changes.
  - (3) A description of each such additional taxicab, limousine, airport shuttle, or carriage, including the make, model, passenger seating capacity, year of manufacture, state license number, motor number, and name and address of the owner.
  - (4) Any other relevant information, which the City Clerk-Treasurer, Chief of Police, and the Director of the Department of Parking & Public Transit may require.
- (b) Upon concurrence by the Director of the Department of Parking & Public Transit and the Chief of Police that the applicant for additional vehicle licensure is currently operating in accordance with the provisions of this chapter, the City Clerk-Treasurer shall issue, upon payment of a fee established by the privilege license code, a City Privilege License; provided, however, that as a prerequisite to issuance all required inspections shall have been passed, and the provisions of section 8-188 of this chapter shall have been complied with within the time provided. The privilege license for each additional vehicle shall state the name and address of the applicant, the date of the issuance of the privilege license, such qualifications and limitations that the City Council has imposed in its certificate of public convenience and necessity, and the permit assigned to each such vehicle.

**Sec. 8-191. Operating fewer taxicabs than authorized.**

It shall be unlawful and cause for suspension or revocation of certification and licensure for a certificate holder, which has been issued a Certificate of Public Convenience and Necessity to operate taxicabs upon the public streets, to fail to have in operation at least five (5) taxicabs for a period of time exceeding sixty (60) days out of any period of ninety (90) days, unless the Director of the Department of Parking & Public Transit has granted a sixty (60) day extension for good cause shown.

**Sec. 8-192. Changes reported.**

Any change in the information furnished in the application for a

Certificate of Public Convenience and Necessity pursuant to this chapter must be reported to the City Clerk-Treasurer and Department of Parking & Public Transit in writing within ten (10) days and failure to so report may be cause for suspension or revocation of the Certificate of Public Convenience and Necessity, and any license issued pursuant thereto.

**Sec. 8-193. Transfer.**

Any Certificate of Public Convenience & Necessity issued under this chapter is not transferable.

**Sec. 8-194. Suspension; revocation.**

- (a) (1) Upon a finding of due cause, as defined below, the Director of Parking and Public Transit shall have the authority to revoke or suspend any Certification of Public Convenience and Necessity and/or any Privilege License issued pursuant to the provisions of this chapter by delivering personally or sending by certified mail, return receipt requested, to the holder thereof at the address last shown on the holder's application, a notice of proposed action stating the grounds therefore. Before a certificate or license is suspended or revoked, the holder thereof shall be given a full opportunity, upon request, to present to the Director of Parking and Public Transit evidence as to why the certification and/or licensure should not be revoked or suspended; provided, however, if, in the opinion of the Director of Parking and Public Transit or the Chief of Police, the health or safety of the public is immediately threatened the Director or Chief may immediately suspend, orally or in writing, any certification or licensure issued under this chapter, and upon such immediate suspension the certificate holder may proceed to request a hearing as hereafter provided.
- (2) The holder must submit a written request for a hearing to the Director of Parking and Public Transit within ten (10) days after receipt of the notice of the proposed action, or, in the case of immediate suspension, within ten (10) days from the date of such suspension. The request for a hearing shall be submitted in writing and shall set forth the reason(s) why the holder disagrees with the action of the Director, the names of any witnesses and their anticipated testimony, a list of any documents that will be submitted at the hearing, and whether the applicant will be represented at the hearing and the

name of the counsel or representative of choice of the applicant.

- (3) The Director of Parking and Public Transit shall set a hearing within thirty (30) days from the date a request for a hearing has been duly filed; provided, however, in the event of the immediate suspension of certification and/or licensure, the hearing shall be set within ten (10) days from the date the written request for a hearing has been duly filed. The Director shall deliver personally or send a notice of the hearing to the certificate and/or license holder in the same manner as the notice of proposed action and shall state in the notice the hearing date, time, and location.
- (b) Due cause for revocation or suspension of a certificate and/or license shall include, but not be limited to the following:
- (1) Conviction by a court of competent jurisdiction, after the issuance of a certificate, of a misdemeanor or felony of any shareholder, officer, partner, member, principal or owner of any corporation, partnership, firm or association holding a five percent (5%) interest or more in an entity which has been issued a Certificate of Public Convenience and Necessity.
  - (2) Violation of any provisions of this chapter, or any rule or regulation adopted hereunder, by the certificate holder or any person acting on behalf of the certificate holder including, but not limited to, its drivers, agents or employees.
  - (3) If the certificate holder, or their designee, makes any false statement or misrepresentation on any applications made under this chapter, including but not limited to, applications for a Certificate of Public Convenience and Necessity or a Privilege License issued under this chapter.
  - (4) Failure of the certificate holder to maintain any of the general qualifications required in this chapter before issuance of a certificate or Privilege License.
  - (5) Violation of any qualifications or limitations imposed by the City Council in its resolution adopted in accordance with section 8-188 hereof by the certificate holder or any person acting on behalf of the certificate holder including, but not limited to, its drivers, agents or employees.

- (c) Within twenty (20) days of the conclusion of the hearing, the Director of Parking and Public Transit shall render a decision, which may include, but not be limited to, the following:
  - (1) Suspension, for a designated period of time or until a violation has been remedied, of a Certificate of Public Convenience and Necessity issued pursuant to this chapter; in which case the certificate holder shall not be allowed to operate or cause or allow to be operated all or any of the vehicles for hire authorized by the suspended certificate, including those for which a privilege license has been issued.
  - (2) Suspension, for a designated period of time or until a violation has been remedied, of any City Privilege License for any vehicle for hire licensed pursuant to this chapter; in which case the license holder shall not be allowed to operate or cause or allow to be operated any such vehicle for which its licensure has been suspended.
  - (3) Revocation of the Certificate of Public Convenience and Necessity issued pursuant to this chapter; in which case the certificate holder shall not be allowed to operate or cause or allow to be operated all or any of the vehicles for hire authorized by the revoked certificate, including those for which a Privilege License has been issued.
  - (4) Revocation of any Privilege License for any vehicle for hire licensed pursuant to this chapter; in which case the license holder shall not be allowed to operate or cause or allow to be operated any such vehicle for which its licensure has been revoked.
- (c) The Director of Parking and Public Transit shall render a decision in writing and shall cause it to be delivered personally or sent by certified mail, return receipt requested, to the certificate holder at the address furnished on the certificate holder's most recent certificate application.
- (d) A certificate holder that receives an adverse decision may, upon written request, appeal the decision of the Director of Parking and Public Transit to the City Council by filing with said Director, within ten (10) days of the receipt of the Director's decision, a notice of appeal. The notice of appeal shall state the grounds for the appeal, the names of

any witnesses and their anticipated testimony, a list of any documents that will be submitted at the hearing, and whether the applicant will be represented at the hearing and the name of the counsel or representative of choice of the applicant. Failure to file a timely appeal shall cause the Director's decision to be final. The filing of the notice of the appeal will not delay the effectiveness of any suspension or revocation.

- (e) Upon appeal, the City Council may affirm, reverse, or modify the decision. The City Council's decision shall be final.

**Secs. 8-195 – 8-210. Reserved.**

***Subdivision III. – Chauffeur's License.***

**Sec. 8-211. Required.**

It shall be unlawful for any person to operate a taxicab, limousine, or airport shuttle upon the public streets of the City who does not possess a valid City chauffeur's license.

**Sec. 8-212. Application; fee.**

- (a) Every person desiring to drive a taxicab, limousine, or airport shuttle for hire upon the streets of the City shall pay a fee of ten dollars (\$10.00) and shall make a written application to the Chief of Police, on forms furnished by the Chief of Police. The application shall be verified under oath stating:
  - (1) The name, address, and age of the applicant. The minimum age is 21.
  - (2) The applicant's place of residence for two (2) years immediately preceding his/her current address.
  - (3) A full description of the applicant, including his/her race, height, weight, color of eyes and hair, scars or marks.
  - (4) Recommendation by two (2) residents of the county, not related to the applicant, who have known the applicant for a period of one year or more, and who will vouch for the applicant's sobriety, honesty, and general good character.

- (5) The names and addresses of the applicant's employers during the last five (5) years prior to his/her application.
- (6) All misdemeanors and felonies for which the applicant has been convicted. The applicant shall state the name and location of the court and the date on which each such conviction was rendered and the penalty imposed.
- (7) Whether applicant has previously held a license anywhere as a driver or chauffeur and whether such license has been revoked, or suspended, and, if so, for what cause.
- (8) The number of the applicant's valid driver's license unless exempt under State law.
- (9) Any other relevant information, which the police department may require.

**Sec. 8-213. Attachments to application.**

- (a) Every applicant for a City chauffeur's license, at the time of submitting his/her application, shall:
  - (1) Be photographed by the Police Department.
  - (2) Exhibit his/her valid driver's license for inspection, unless exempt under State law.
  - (3) Be fingerprinted by the Police Department.
  - (4) Furnish a certificate from a licensed physician certifying that in his/her opinion after examination the applicant can with reasonable accommodation perform the essential duties of driving a taxicab, limousine, or airport shuttle as required under this chapter. A current Federal Department of Transportation medical card will be accepted as compliance with this requirement.
  - (5) Submit to the State of Alabama a request for a driving record check on the Alabama Department of Public Safety record request form; and criminal record check on the appropriate Alabama Bureau of Investigation criminal history release form.

**Sec. 8-214. Issuance.**

- (a) No vested property right or property interest of any type is acquired by a chauffeur's license issued to any person under this chapter.
- (b) All chauffeurs' licenses are revocable and subject to suspension in accordance with the provisions of this chapter and are to be exercised only in conformance with the provisions of this chapter.
- (c) Upon the receipt of the information provided for in sections 8-212 and 8-213, the Chief of Police or such other member of the Police Department as he/she may designate shall issue a temporary City chauffeur's license to the applicant, which shall be valid for a period not to exceed 45 days, if he/she shall find that the applicant holds a valid State driver's license, unless exempt under state law, and the applicant is a fit and proper person to drive a taxicab, limousine, or airport shuttle, considering the information submitted in his/her application or otherwise found to exist; otherwise such temporary license shall be denied. The temporary chauffeur's license may be revoked at any time by the Chief of Police for cause and such revocation shall be final and not subject to appeal.
- (d) Upon receipt of the information on official forms received from the Department of Public Safety and Alabama Bureau of Investigation as provided for in Section 8-213, the Chief of Police or other member of the Police Department as he/she may designate shall issue a City chauffeur's license to the applicant, if he/she shall find that the applicant is a fit and proper person to drive a taxicab, limousine, or airport shuttle considering the information submitted from the State's record check from the Department of Public Safety and criminal history record from the Alabama Bureau of Investigation. The city chauffeur's license may be denied based on any disqualifying information the Chief of Police shall have found to exist, the denial shall be in writing and either delivered personally or sent by certified mail, return receipt requested, to the address appearing on the license application and shall contain the grounds for denial.
- (e) Within ten (10) days from the receipt of the denial, the license applicant may appeal the decision denying a chauffeur's license to a License Review Committee, consisting of the Director of Parking and Public Transit, the City Clerk-Treasurer, and the Administrative Aide of the Mayor of the City, by filing a written notice of appeal with the Chief of Police. The notice of appeal shall be filed within ten (10) days from the date of the receipt of



the decision of the Chief of Police and shall state the grounds for appeal, the names of any witnesses and their anticipated testimony, a list of any documents that will be submitted, and whether the applicant will be represented at the hearing and the name of the counsel or representative of choice of the applicant. Failure to file a timely appeal shall cause the Chief's decision to be final.

- (f) Upon receipt, the Chief of Police shall schedule the hearing before the License Review Committee, and shall personally deliver or send by certified mail; return receipt requested, to the address appearing on the license application, a notice of the date, time, and place of the hearing.
- (g) The Chief of Police, or his/her designee, shall be present at the hearing before the license review committee and shall be allowed to present evidence in support of his/her decision. The decision of the License Review Committee shall be final.

**Sec. 8-215. Duration; renewal.**

A City chauffeur's license shall in no event be valid for more than four (4) years from the date of issuance and may be renewed each third year by re-application with the Police Department. Such application shall include all information required by the Chief of Police including updated criminal history and driving records check required in Section 8-213, and shall be subject to the same approval criteria and process, including the right of appeal in case of denial, as the initial application process.

**Sec. 8-216. Duplicate.**

A lost, destroyed or mutilated chauffeur's license shall be replaced upon payment of a fee of ten dollars (\$10.00).

**Sec. 8-217. Transfer.**

The City chauffeur's license issued under this article shall be valid for employment for any taxicab, limousine, or airport shuttle business licensed by the City of Huntsville. The City chauffeur's license shall be non-transferable or assignable from one person to another person.

**Sec. 8-218. Suspension; revocation.**

- (a) The Chief of Police may, upon conviction by a court of competent jurisdiction, after the issuance of a chauffeur's license, for an offense against any provision of this

chapter, suspend the City chauffeur's license, issued hereunder of such person convicted for a period of time not to exceed ninety (90) days.

- (b) Upon a second conviction, the City chauffeur's license of such person convicted may be permanently revoked by the Chief of Police.
- (c) The Chief of Police may upon conviction by a court of competent jurisdiction, after the issuance of a chauffeur's license, of a misdemeanor or felony suspend or revoke the City chauffeur's license issued hereunder.
- (d) The Chief of Police may revoke or suspend the City chauffeur's license if the license holder is found to have made any false statement or misrepresentation on his/her application for a chauffeur's license.
- (e) The Chief of Police may revoke or suspend the City chauffeur's license for failure of the license holder to maintain any of the general qualifications required in this chapter before issuance of a chauffeur's license, including but not limited to suspension of the license holder's driver's license.
- (f)
  - (1) Before a chauffeur's license is suspended or revoked, the Chief of Police shall deliver personally or send by certified mail, return receipt requested, to the address appearing on the license application a notice of proposed action to the holder of the chauffeur's license stating the grounds therefore and providing the holder of the license with a full opportunity, upon request, to present to the Chief of Police evidence as to why the licensure should not be revoked or suspended; provided, however, if, in the opinion of the Chief of Police, the health or safety of the public is immediately threatened the Chief may immediately suspend, orally or in writing, the chauffeur's license, and upon such immediate suspension the certificate holder may proceed to request a hearing as hereafter provided.
  - (2) The holder must submit a written request for a hearing within ten (10) days after receipt of the notice of the proposed action, or, in the case of immediate suspension, within ten (10) days from the date of such suspension. The request for a hearing shall be submitted in writing and shall set forth the reason(s) why the license holder disagrees with the action of the Chief, the names of any witnesses and their

anticipated testimony, a list of any documents that will be submitted at the hearing, and whether the applicant will be represented at the hearing and the name of the counsel or representative of choice of the applicant.

- (3) The Chief of Police shall set a hearing within thirty (30) days of the date a request for a hearing has been duly filed; provided, however, in the event of the immediate suspension of licensure, the hearing shall be set within ten (10) days from the date the written request for a hearing has been duly filed. A notice of the hearing shall be sent in the same manner as notice of the proposed action and shall state the hearing date, time, and location.
- (c) Within twenty (20) days of the conclusion of the hearing, the Chief of Police shall render a decision, which can include, but not be limited to, the following:
  - (1) Suspension, for a designated period of time or until a violation has been remedied, of the City chauffeur's license.
  - (2) Revocation of the City chauffeur's license.
- (d) The Chief of Police shall render a decision in writing and shall cause it to be delivered personally or sent by certified mail, return receipt requested, to the license holder at the address furnished on the chauffeur's license application.
- (e) (1) A license holder that receives an adverse decision may, upon written request, appeal the decision of the Chief of Police to the License Review Committee, consisting of the Director of Parking and Public Transit, the City Clerk-Treasurer, and the Administrative Aide of the Mayor of the City, by filing a written notice of appeal with the Chief of Police. The notice of appeal shall be filed within ten (10) days of the receipt of the decision of the Chief of Police and shall state the grounds for appeal, the names of any witnesses and their anticipated testimony, a list of any documents that will be submitted, and whether the applicant representative of choice of the applicant. Failure to file a timely appeal shall cause the Chief's decision to be final. The filing of the notice of the appeal will not delay the effectiveness of any suspension or revocation.

- (2) Upon receipt, the Chief of Police shall schedule the hearing before the License Review Committee, and shall personally deliver or send by certified mail; return receipt requested, to the address appearing on the license application, a notice of the date, time, and place of the hearing.
- (3) The Chief of Police, or his/her designee, shall be present at the hearing before the License Review Committee and shall be allowed to present evidence in support of his/her decision. The License Review Committee may affirm, reverse or modify the decision appealed from. The decision of the License Review Committee shall be final.

**Sec.8-219. Inspection Sticker Required.**

Any vehicle for hire operating pursuant to this ordinance must have affixed a current inspection sticker issued by the Department of Parking & Public Transit.

- (a) Inspection stickers shall be issued to any vehicle for hire twice annually at the time of regularly scheduled inspections.
- (b) No inspection sticker shall be issued until the vehicle has successfully completed all required inspection criteria, proof of current insurance has been presented, and current city and county licenses have been presented for inspection.
- (c) The inspection sticker shall remain valid for the period indicated on the sticker as long as all requirements of the inspection by the Department of Parking & Public Transit are complied with.
- (d) Upon failure to comply with all requirements of the inspection and general requirements for operation contained in Chapter 8, the inspection sticker shall become void and may be revoked by the Director of the Department of Parking & Public Transit, the Chief of Police, or their designees.
- (e) A temporary sticker may be authorized for a specific time period to allow a vehicle for hire to comply with non-safety requirements of the inspection. If the requirements are not met in the time period allowed, the temporary sticker shall become void and must be removed from the vehicle.

- (e) Any vehicle for hire operating without a current valid inspection sticker is subject to fine. The company under which it operates is subject to loss of its certificate of public convenience and necessity.

**Secs. 8-220 – 8-240. Reserved.**

**DIVISION 3. – CONDITIONS AND INSPECTION OF VEHICLES**

**Sec. 8-241. Standards.**

- (a) Every certified vehicle for hire operated upon the public streets of the City shall be kept clean, sanitary, fit and of good appearance, and in a safe condition for the transportation of passengers.
- (b) All taxicabs shall conform to the following standards:
  - (1) The color scheme for taxicabs shall be the same as that proposed in the application for a certificate and all taxicabs within a company must be the same. A diagram of the vehicle with colors, color number, name, and any logo must be attached. Any changes must be approved by the Director of the Department of Parking & Public Transit or his/her designee.
  - (2) Each taxicab operated under this chapter shall have a securely affixed roof light with the words "taxicab," "taxi," or "cab," or the company name printed thereon; and, in addition, the telephone number or company name may be printed thereon in such manner as to be visible at all times. The roof light shall also be equipped with a top light actuated when the meter is in the hired mode and such light must be visible at all times and in all directions 360 degree. If taxicabs are equipped with advertising signs they must be in compliance with all city ordinances and requirements regarding advertising signs. Signs shall be rectangular in shape and no larger than 42" by 15" with advertising allowed only on left and right side of signs.
  - (3) Each taxicab shall be equipped with a taximeter conforming with the provision of sections 8-271–8-276
  - (4) Limit on age of taxicab i.e. no older than 10 years. Currently licensed vehicles shall be grandfathered until replaced.

(c) All taxicabs and airport shuttles shall conform to the following:

- (1) The trade name of the company must be placed on the outside of each front door (sliding door in the case of vans or rear corner panel) of each taxicab or airport shuttle in letters not less than three (3) inches in height, in a permanent manner, and in contrasting color to background.
- (2) The permit number assigned to each taxicab, or airport shuttle, by the City Clerk-Treasurer shall be placed on both sides of the body and on the front end and rear end of each taxicab or airport shuttle in numerals three (3) inches in height. Said number must be visible from all sides of the vehicle.

(d) All Horse Drawn carriages shall conform to the following standards:

- (1) Carriage services shall not operate on any of the public streets of the city except on those public streets as approved by the City of Huntsville's Traffic Engineering or Police Department.
- (2) Carriages shall not exceed 12 feet in length or 6 feet in width and must be authentically styled passenger carriages.
- (3) All animals used to pull such carriages on the public streets must be equipped with a diapering apparatus that prevents the droppings of such animal from being deposited on the City streets and must be properly shod for street surfaces.
- (3) All carriages must have proper lighting for nighttime operation including headlights, taillights, turn signals, and reflectors, continuously maintained in operating condition, and must display a slow moving vehicle emblem.
- (5) All carriages and horses must be transported by truck or trailer to permitted locations.
- (6) All carriage services must provide and keep in force an insurance policy protecting against liability in the minimum amount of \$300,000 per accident. The City Clerk-Treasurer's office must be notified at least ten days prior to cancellation of said insurance.

- (7) Only horses and mules in good health with adequate muscle tone and proper body conditions and have been certified as fit to work by a licensed equine veterinarian will be used to pull carriages.
- (8) No equine will be used to pull a carriage if it has injuries or wounds, is lame, or unsound in one or more limbs or which has any other ailment without a specific written approval or licensed equine veterinarian.
- (9) The hooves of working horses or mules will be properly shod with appropriate shoes. Shoes which are designed to prevent slipping and absorb shocks will be utilized when working on paved surface.
- (10) Each carriage animal will be properly sized relative to weight, size, and load capacity of carriage it will pull and the terrain over which it will operate.
- (11) Working carriage animals shall be examined by a licensed equine veterinarian at least once per year and shall receive all necessary immunizations and be dewormed at appropriate intervals to control internal parasites. Carriage animals must be examined by a licensed equine veterinarian upon request of the City of Huntsville Animal Control Director, or their designee, to insure compliance with these requirements.
- (12) Horses must be removed from the streets during extremely hot or cold weather, as determined by the Animal Control Director, or their designee.
- (13) Carriage horse and mules shall not be worked more than three (3) consecutive hours without a rest period with a maximum of nine (9) hours worked per day. A ten (10) minute rest period shall be provided every hour during the work period.
- (14) Carriage horse and mules shall not be worked more than six (6) consecutive days without being provided a rest period of at least one (1) day before the resumption of work.
- (15) Fresh water shall be made available and each animal given the opportunity to drink during each rest period and during the hourly ten (10) minute break.
- (16) Owners/drivers shall be knowledgeable in equine

husbandry, training, and emergency first-aid. They must be knowledgeable in the proper use and maintenance of harnesses, tacks, and carriages or have in their employ a manager with such expertise.

- (17) Carriage operators who have been convicted of animal cruelty shall have the carriage license revoked.
- (18) This carriage license shall not be transferable.

**Sec. 8-242. When vehicles operated.**

- (a) It shall be unlawful for any person or entity to operate or to allow or cause to be operated a vehicle for hire upon the public streets of the City except as provided for according to the provisions of this chapter; however, this chapter shall not apply to the following:
  - (1) vehicles operated by a governmental agency;
  - (2) vehicles tendering transportation services not for compensation;
  - (4) vehicles operated solely as courtesy vehicles, as that term is defined in section 8-151 hereof;
  - (4) discharge of a passenger, where such passenger was picked up outside the City limits by a licensed vehicle for hire operating under another jurisdiction having regulatory authority over the operations of the vehicle for hire that would otherwise be subject to the provisions of this chapter;
  - (5) vehicles operated as ambulances or other pre-hospital service providers;
  - (6) operation of motor vehicles for the transportation of passengers, not for compensation, between the vicinity of their residence and the vicinity of their places of work, in an arrangement commonly known as a "car pool" or "van pool";
  - (7) vehicles operated by funeral homes in conjunction with the providing of funeral services;
  - (8) vehicles used for the transportation of pupils to and from school or to and from school activities, and which are owned, operated, rented or leased by the Huntsville Board of Education or by any private school located within the City;



- (9) vehicles used for the transportation of persons to and from church or to and from church activities, and which are owned, operated, rented or leased by any church located within the City; and
- (b) Exclusion from the provisions of this chapter in accordance with subsection (a) shall not be construed as relieving any person or entity from otherwise complying with any applicable federal, state or local laws, ordinances or regulations, including but not limited to the City of Huntsville Privilege License ordinance.
- (c) It is the intent of this chapter to prohibit and declare to be unlawful the operation of vehicles for hire upon the public streets of the City unless such vehicles, or the operations thereof, are expressly excluded according to the terms of subsection (a) hereof, or have been certified and licensed in accordance with the provisions of this chapter. Only those vehicles meeting the definition of a taxicab, limousine, airport shuttle, or carriage are eligible to apply for and receive a Certificate of Public Convenience and Necessity, and a City Privilege License(s) issued pursuant thereto.
- (d) It shall be unlawful for any owner or company to operate or allow or cause to be operated a taxicab, limousine, airport shuttle, or carriage without having first obtained and having then in effect the certification and licensing required by this chapter.
- (e) Vehicles, and the operation thereof, otherwise excluded in subsection (a) hereof shall not be relieved from compliance with the provisions of this chapter in the event such vehicles are used or operated in such a manner as would cause them to come within the regulatory purview of this chapter.

**Sec. 8-243. Duty of Chief of Police.**

The inspecting of certified vehicles for hire shall be under the control of the Chief of Police and the Director of the Department of Parking & Public Transit. The Chief of Police and the Director of the Department of Parking & Public Transit are hereby authorized to use such members of or persons assigned to their departments as they may designate as deputies and inspectors, to carry out the provisions of this chapter.

**Sec. 8-244. Scheduling of inspections; fee.**

- (b) The Chief of Police and the Director of the Department of Parking & Public Transit, shall inspect all certified vehicles from time to time or on complaint of any citizen as often as may be necessary; but in any event, in the case of taxicabs, limousines and airport shuttles at least each six (6) months, and in the case of carriages, at least every twelve (12) months. The Chief of Police or the Director of the Department of Parking & Public Transit shall notify each licensee in writing by personal delivery or notice mailed to the last address furnished by said licensee, of the date, time, and place of each scheduled six (6) month inspection.
- (b) A licensee may request in writing to the Director of the Department of Parking & Public Transit inspection of a vehicle licensed in accordance with the provisions of this chapter. Such request shall be conducted within three (3) working days of a proper written request to the Director of the Department of Parking & Public Transit. The vehicle is to be delivered to such place at such time specified or the inspection shall be deemed waived until the next scheduled or requested inspection. A fee in the amount of ten dollars (\$10.00) for each vehicle is hereby established for each required inspection.
- (c) There shall be designated a specified time and place for any regular inspection contemplated under this chapter. A fee in the amount of ten dollars (\$10.00) for each vehicle is hereby established for each scheduled inspection.

**Sec. 8-245. Incidental inspections.**

The Chief of Police and Director of the Department of Parking & Public Transit are hereby authorized to maintain constant vigilance over all certified vehicles for hire to see that they are kept in a condition of continued fitness for public use in compliance with this chapter and to that end are hereby authorized to make such incidental on-the-road or random inspections as they deem advisable.

**Sec. 8-246. Vehicles failing inspection.**

If, after any regular, requested, or incidental on the road or random inspection, any certified vehicle for hire is found not to be in a safe condition for the transportation of passengers, the vehicle shall be placed out of service. If a certified vehicle fails to comply with any other provisions of this chapter, the vehicle may be placed out of service. Any vehicle not returned to service within sixty (60) days from the date the vehicle is taken out of service shall be deemed permanently out of service, and the City Privilege License for that vehicle shall be forfeited. A sixty (60) days

extension may be granted by the Director of the Department of Parking & Public Transit for good cause shown. The inspection sticker shall be removed from any vehicle taken out of service.

**Sec. 8-247. Out-of-service criteria.**

It shall be unlawful for any person to operate, or any owner to allow or cause to be operated, any certified vehicle for hire that has been deemed out of service or does not have a current, valid inspection sticker affixed.

**Secs. 8-248 – 8-270. Reserved.**

**DIVISION 4. - TAXIMETERS AND RATES**

**Sec.8-271. Taximeters Required.**

It shall be unlawful to own and operate or cause to be operated any taxicab upon the streets or thoroughfares of the City, unless such taxicab is equipped with a practical standard taximeter in good and workable condition designed to accurately measure distance traveled, and to record the time the vehicle is in waiting. Upon the taximeter there shall be indicated by means of figures the fare charged.

**Sec.8-272. Readability.**

Indications of the amount of fare shall never be obscured from the view of any passenger. All openings through which any indications or markings are viewed at any time by the passenger shall be of such location, size, and design that the indications or markings may be read with accuracy. This shall be construed to mean, among other things, that between sunset and sunrise the face of any taximeter shall be illuminated by a suitable light so arranged as to throw a continuous steady light thereon and render the meter clearly readable to a passenger in the rear seat.

**Sec.8-273. Seal.**

Adequate provision shall be made for sealing all taximeters in such manner that no adjustments, alterations, or replacements can be made that may affect in any way the indications, the time or mileage rates or, in general, the accuracy of the taximeter. Every taximeter shall be sealed by the Chief of Police or an inspector or deputy duly authorized by the Chief of Police or the Director of the Department of Parking & Public Transit. It shall be unlawful for any person to operate or allow or cause to be operated a taxicab equipped with a taximeter that is not sealed or has a mutilated or destroyed seal; provided, however, that upon request, the Director of the Department of Parking & Public Transit, is authorized to issue a temporary permit

to operate a taxicab without a sealed taximeter until the next scheduled or requested inspection, if the Director of the Department of Parking & Public Transit finds that such taximeter required some adjustment, alteration or replacement which has been made.

**Sec.8-274. Use of flag.**

It shall be unlawful for the driver of a taxicab to have the taximeter in a mode as to denote that such vehicle is not employed while carrying passengers or have the taximeter in a recording position when such vehicle is not actually employed, or to fail to put such taximeter in a nonrecording mode at the termination of each and every service. Meters may not be operated in the time mode while the cab is in motion (no hot meters) No switches bypassing the top light are allowed.

**Sec. 8-275. Changing size of tires, gears cables, etc.**

It shall be unlawful for any person to operate or allow or cause to be operated a taxicab with tires of a smaller size than those which were on the taxicab at the time the taximeter was last inspected and sealed, without first having the taxicab re-inspected. It shall also be unlawful to operate or allow or cause to be operated a taxicab utilizing any gears, cables, computer chips or other parts that could affect meter rates other than those on the taxicab when the taximeter was last inspected and sealed without first having the taxicab re-inspected.

**Sec.8-276. Vehicle for hire rates; Charges based on taximeters.**

- (a) All taxicabs must base their charges on taximeters. The minimum and maximum rates are the rates recorded on a properly working and properly sealed taximeter.
- (b) All limousines services must charge a maximum flat rate on an hourly basis and shall post the rate inside the vehicle in a place clearly visible to passengers.
- (c) Airport shuttles may charge flat fee or per person and shall post the rate inside the vehicle in a place clearly visible to passengers.
- (f) All rates for any vehicle for hire shall be placed on file by letter to the Director of Parking & Public Transit.

**Sec.8-277. Amounts charged.**

- (a) The maximum rate to be charged for a trip to one destination by any taxicab shall be two dollars and fifty cents (\$2.50) for the first one-half (1/2) mile and ten

(.10) cents for each additional (1/20) mile. (\$2.50 for the first half mile and two dollars (\$2.00) for each mile thereafter.)

- (b) A driver may, in addition to the metered rate, require a waiting charge to be paid which shall not exceed the rate of twenty dollars (\$20.00) per hour, regardless of the number of passengers. Such waiting time shall include the time when the taxicab is not in motion, beginning with the time of arrival at the place to which it has been called or time consumed while it is standing at the direction of the passenger; but no charge shall be made for the first five (5) minutes after arrival or for time lost on account of inefficiency of the taxicab or its operator or the time consumed by the premature response to a call or traffic conditions. A fare shall not be considered to be terminated until the taxicab is available for service to another customer.
- (c) All taxicabs operating within or under the Certificate of Public Convenience and Necessity of the same entity must charge the same rate.
- (d) Rates charged must be displayed on each taxicab on the rear quarter panel in a size no smaller than one (1) inch letters with drop charges, rate per mile, and waiting time.
- (e) Rates must be posted at the Huntsville International Airport and in all bus stations in a manner prescribed by the Director of the Department of Parking & Public Transit.
- (h) Response cards must be placed in each taxicab in a manner clearly visible to passengers; referring persons with questions or comments to the City of Huntsville Public Transit Division and listing the phone number and vehicle permit number.
- (i) It shall be unlawful for the owner, driver, or operator of any taxicab to charge any passenger a fare for the use of such taxicab which is in excess of the rate established by this chapter and displayed on a properly working and inspected taximeter. Passengers shall have the right to pro-rate charges among themselves as they see fit. In the event the passengers cannot reach agreement as to their respective share of the total fare, the driver then shall be allowed to collect the fare to the point of final destination from the first passenger engaging the taxicab.
- (j) No driver shall allow or permit any other person to occupy or ride in such taxicab unless the person or persons first

employing the taxicab shall consent to the acceptance of additional passengers.

- (k) If the metered fare for any trip to or from the Huntsville International Airport is less than fifteen dollars (\$15.00), a minimum fare of fifteen dollars (\$15.00) may be charged. On trips originating or terminating at the Huntsville International Airport, an additional two dollars (\$2.00) may be charged for each additional passenger, excluding children under the age of six (6) years.
- (l) A fuel surcharge may be added to the meter drop rate (first ½ mile rate) under the following conditions. If the average retail fuel price for regular grade gasoline in the city of Huntsville is greater than three dollars and fifty cents (\$3.50) per gallon, one dollar (\$1.00) may be added to the drop rate currently authorized. If the average retail price for regular grade gasoline in the City of Huntsville is greater than four dollar and fifty cents (\$4.50) per gallon one dollar (\$1.00) may be added to the drop rate currently authorized.

When the surcharge is added and the fuel price falls below the minimum threshold authorized in this subsection the dollar (\$1.00) surcharge must be removed from the then current drop rate.

Fuel surcharge rates will remain in place and will only be changed at the time of the bi-annual taxicab inspections provided by the Department of Parking and Public Transportation.

**Secs.8-278 — 8-300. Reserved.**

**DIVISION 5. - OPERATIONS**

**Sec. 8-301. Violations of regulations.**

It shall be unlawful for any person to violate the regulations contained in this chapter. Every taxicab, limousine, airport shuttle, and carriage company, its drivers, agents, representatives, and employees shall comply with all applicable provisions of this chapter.

**Sec.8-302. Possession of city chauffeur's license.**

- (a) No person shall drive any taxicab upon the streets of the City unless there is displayed in such taxicab in a manner in which it is clearly visible on the dash of the vehicle and can be readily observed by all passengers therein, a

valid City chauffeur's license, or temporary chauffeur's license, that has been issued to the driver or operator of the vehicle.

- (b) No person shall drive a limousine upon the streets of the City unless he/she has in his/her immediate possession a valid City chauffeur's license, or temporary chauffeur's license, issued to him/her, which he/she shall produce upon request of any passenger or authorized inspector.
- (c) No person shall drive an airport shuttle upon the streets of the City unless he/she has, in his/her immediate possession, a valid City chauffeur's license, or temporary chauffeur's license, issued to him/her, which he/she shall produce upon request of any passenger or authorized inspector.

**Sec.8-303. Soliciting passengers.**

- (a) No certified vehicle for hire driver shall solicit passengers except when sitting in the driver's seat or standing immediately adjacent thereto. In addition, no certified vehicle for hire driver shall solicit passengers in any manner to annoy, obstruct the movement of, or follow any person for the purpose of soliciting patronage.
- (b) No certified vehicle for hire driver shall cruise in search of passengers or respond to calls for another company intercepted from a scanner or other radio monitoring device.

**Sec. 8-304. Stopping and standing.**

No vehicle operated and licensed pursuant to this chapter shall park or stand on any public street or place for the purpose of soliciting or accepting passengers, but nothing herein contained shall be construed to prevent stopping for the purpose of picking up and discharging passengers.

**Sec.8-305. Number of passengers and luggage.**

- (a) No certified vehicle for hire driver shall stop to pick up any additional passengers while proceeding to the destination of any passengers then occupying the certified vehicle for hire without the consent of all such passengers.
- (b) No taxicab, limousine, or airport shuttle driver shall permit more persons to be transported than the manufacturer's rated seating capacity for the vehicle,

including seatbelts for each passenger; nor shall such driver allow more children to be transported than the number for which operative child passenger restraint devices are available for children within the legal age limit requiring such devices.

- (c) No taxicab, limousine, or airport shuttle driver shall carry any luggage exceeding the vehicle's storage volume or load-carrying capacity regardless of the number of passengers occupying the vehicle.

**Sec.8-306. Driver to convey orderly persons.**

Except as provided in section 22-80, no certified vehicle for hire driver shall refuse or neglect to convey any orderly person upon request, except under the following circumstances:

- (a) the vehicle is in the process of transporting a previously engaged passenger or passengers and such passengers do not give their consent to the transport of an additional passenger; or
- (b) the transportation of such person shall substantially delay or inconvenience taxicab, limousine, or airport shuttle passengers who have already engaged the vehicle.

**Sec. 8-307. Two or more destinations; single destination.**

- (a) If a taxicab, limousine, or airport shuttle is carrying two (2) or more persons to different destinations, the driver shall be the sole judge of the order in which such persons shall be delivered to their destination and the shortest possible route shall be followed.
- (b) Any taxicab driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his/her destination safely and expeditiously.

**Sec.8-308. Requiring passenger to wait.**

No passenger in a taxicab, limousine, or airport shuttle shall be kept waiting longer than five (5) minutes before proceeding to his/her announced destination.

**Sec. 8-309. Change of address; loss of chauffeur's license.**

Every city chauffeur licensed as such pursuant to this chapter shall within five (5) working days notify the Chief of Police of any change of his/her address or loss of his/her City chauffeur's license,



or temporary chauffeur's license.

**Sec. 8-310. Unauthorized fares.**

- (a) No taxicab owner or driver shall demand or suggest that any passenger or prospective passenger pay a fare larger than that authorized in this chapter.
- (b) No limousine, airport shuttle, or carriage owner or driver shall demand or suggest that any passenger pay an amount that exceeds the posted rate. In the case of limousines, the posted rate shall be based on an hourly rate; in the case of airport shuttles, the rate shall be based on a per passenger rate; and in the case of carriages the rate may be either on an hourly or per trip basis. It is the intent of this provision to require limousine and carriage owners or companies to set a maximum rate to be charged, hourly in the case of limousines, hourly or per trip in the case of carriages, and per passenger in the case of airport shuttles, and it shall be the sole discretion of the passengers to prorate the charge among themselves. The driver is permitted to collect the amount owed from any passenger but it shall be left to the passengers to prorate the amount charged among themselves.

**Sec. 8-311. Trip records.**

On a form approved by the City Clerk-Treasurer, a written record of all trips shall be retained by the licensee of each taxicab, limousine, or airport shuttle for at least one year, showing the time and place each passenger engaged such taxicab and time and place he/she left such taxicab, limousine, or airport shuttle.

**Sec. 8-312. Location of terminal.**

All taxicab, limousine, and airport shuttle operators must have a terminal (cab stand). The location of the terminal shall not be changed without first obtaining the authorization of the City Clerk-Treasurer. The terminal must be located in a zone that allows taxi services and must have adequate parking available for the number of vehicles operated. Failure to maintain a terminal shall be cause for revocation of the certificate of need and necessity issued by the City Council.

**Sec. 8-313. Sale of vehicle.**

- (a) All owners, upon the sale or other disposition of a taxicab, limousine, or airport shuttle shall, within five (5) working days, notify in writing the City Clerk-Treasurer and the Director of the Department of Parking &

Public Transit of such sale or other disposition.

- (b) All identification markings shall be removed prior to delivery of a taxicab, limousine, or airport shuttle upon sale or other disposition thereof.
- (c) The permit number and privilege license issued for vehicles within a company may be transferred to a new or replacement vehicle within the same company, so long as all requirements of this chapter are met, but not from person to person.

**Sec. 8-314. Trailers.**

No trailer or semi-trailer shall be attached or secured to a taxicab, limousine, or airport shuttle while it is being used to transport passengers.

**Sec. 8-315. Sleeping in vehicle.**

No driver shall sleep or doze in any certified vehicle for hire in any place generally open to the public in the City.

**Sec. 8-316. Lost property.**

It shall be the duty of the driver of a certified vehicle for hire to carefully search such vehicle immediately after the termination of business for any property lost or left therein and any such property, unless sooner claimed or delivered to the owner, shall be taken to and deposited with the police department within twenty-four (24) hours after the finding thereof. The police department, unless the same is sooner claimed by the owner, shall dispose thereof in the manner prescribed by law for lost and stolen property.

**Sec. 8-317. Cleaning of vehicle.**

It shall be the duty of the owner and/or driver operating any certified vehicle for hire to keep and maintain any such vehicle at all times in a safe, comfortable, clean, and sanitary condition. The seats, floors, steps, running boards, upholstery, and baggage compartments of any such vehicle shall be thoroughly cleaned in such a manner as to be free of visible dirt, dust, soil, trash, and rubbish of every description; the interior shall be thoroughly sprayed or wiped at least once during each twenty-four (24) hour period with a liquid disinfectant of adequate strength and efficiency so that every portion of the surface of the interior of the vehicle shall be covered or come in contact with such disinfecting fluid.

**Sec. 8-318. Conduct of drivers.**

- (a) Each driver of a certified vehicle for hire while operating such vehicle upon the public streets of the City shall comply with all of the traffic regulations of the State of Alabama and the City and shall not commit any act that would threaten the health or safety of his/her passengers or the general public, including, but not limited, to an act which would constitute a violation of driving while under the influence laws of the state.
- (b) No driver of any certified vehicle for hire shall use or authorize the use of the vehicle for an illegal purpose.
- (c) Every taxicab driver shall, upon the request of a passenger, give a receipt upon payment of the fare. The receipt shall indicate the beginning and ending points of the trip, the fare charged, the date, the company's name, and the vehicle number, and shall be signed by the driver.

**Sec.8-319. Out-of-town taxicab, limousine, or airport shuttle.**

Any vehicle for hire whose place of business is not in the City, and has not received a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY may bring passengers into the City from their city of origin only. No trip provided by taxi, limousine, airport shuttle, or other carrier, who does not possess a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY to operate in the city, shall originate and terminate within the City.

**Sec.8-320. Refusal to pay fare.**

It shall be unlawful for a passenger to refuse to pay the agreed or established fare. A driver may request proof of ability to pay fare prior to transporting.

**Sec.8-321. Alcoholic beverages.**

Any alcoholic beverage transported in a certified vehicle for hire shall be in its closed original container and transported in the baggage compartment of the vehicle.

**Secs. 8-322 – 8-340. Reserved.**

**DIVISION 6. – OUT-OF-SERVICE CRITERIA**

**Sec.8-341. Out-of-service criteria.**

- (a) If, in the opinion of the official inspecting a vehicle operating under this chapter, a defect could affect passenger safety, the vehicle may be removed from service and valid inspection stickers removed until the defect is

repaired and the vehicle is re-inspected.

- (b) Other defects or violations of the inspection criteria shall be repaired within the time frame indicated by the inspector on the inspection form. If the defect is not corrected in the allotted time, the vehicle must be placed out of service by the owner, driver, or company until properly repaired and re-inspected.

**Sec.8-342. Explanation of inspection points.**

- (a) Violation of inspection points will be based on but not limited to the following criteria:
  - (1) Vehicle cleanliness - Must be free of dirt inside and out.
  - (2) Driver Cleanliness. Must be clean and neat in appearance.
  - (3) Paint - To be proper color(s) as per each company, not faded, blistered or peeling off.
  - (4) Required letters and numbers - Permit numbers shall be displayed on all four (4) vertical sides. Metal plates on front will be accepted.
  - (5) Body - To be free of moderate to large areas of damage; however, new damage will be given consideration. An accident report may be required to establish dates.
  - (6) Glass - Will be in good repair without major cracks or damage that could affect drivers' visibility without any coverings to prevent seeing into the vehicle. Must not leak water around any seals and if window is a type that opens, it must be in working order.
  - (7) Deck/cargo - Rear window area or deck cargo area of station wagons and vans will be clean and in good repair. No loose articles permitted.
  - (8) Door seals - The seals of all doors and trunk lid will be in good repair in order to prevent any water, dust or air drafts from getting into the vehicle.
  - (9) Dash - The dash shall be in good repair without major cracks, tears, or other wear, and clean. Nothing

shall be mounted to the dash except the meter.

- (10) Seats - Shall be clean and in good repair. Covers will be permitted, but only if they are secure to prevent any loose areas. Broken down seats will not be accepted.
- (11) Floor covering - Floor covering will be clean and secure to the floor.
- (12) Head liners - Shall be secure, in place and free of dirt.
- (13) Trunk - Shall be clean and free of dirt. It shall have no sharp or loose objects that could damage passenger's article(s) carried in the trunk.
- (14) Headlights - The headlights shall conform to state rules governing headlights and be in good working order.
- (15) Turn signals - The turn signals of all vehicles shall be in good working order in the front and rear.
- (16) Horn - The horn shall be in working order operated by a control in easy one hand reach of the driver.
- (17) Windshield wipers - Shall be in good repair and good working condition.
- (18) Tires - Shall be of the proper type and meet all state rules governing tires.
- (18) Taillights - All taillights shall be in working order and meet all state rules governing taillights.
- (20) Brake lights - All brake lights shall be in working order and meet all state rules governing brake lights.
- (21) Tag light - The tag light shall be in working order and mounted to show a white light on the tag plate. No tag "rings" shall be permitted that cover any part of the wording or other marking(s) on the tag.
- (22) Top taxi light - The "top light" or taxi light shall be in proper working order and shall be on at all times; however, the white light will be allowed to be dimmed or off while the meter is in the flagged or on position.

- (23) Defroster - The defroster shall be in working order and able to give off warm air to clear the front windshield.
- (24) Meter light - The taxi meter or area displaying the fare shall have a light in working order to show the amount of the fare. All meters shall be calibrated to the approved fare and properly sealed.
- (25) Shock absorbers - All shock absorbers shall be in good working order to eliminate excessive noise, give a reasonable ride and allow for safe handling and steering.
- (26) Suspension - The suspension shall be in proper repair and good working order to eliminate excessive noise, give a reasonable ride and allow for safe handling and steering.
- (27) Brakes and emergency brakes - The brake system shall be in good working order to insure safety at all times and shall be able to stop the vehicle. The emergency brake shall also be in working order.
- (28) Exhaust system - The exhaust system shall be in good working order and meet all state rules governing exhaust systems.
- (29) Permit/driver's license display - City Chauffeur's License shall be displayed on the dash of all taxicabs in a manner so that they may be seen clearly from all seating positions in the vehicle.
- (30) Seatbelts/child restraint devices - There shall be sufficient seatbelts or other approved restraint devices for all seating positions in the vehicles. All restraints shall be in proper working order, clean and free of any damage or wear.
- (31) Speedometer - The speedometer must be operable.
- (32) Battery - The vehicle battery must be secured within the engine compartment. All removable vent/fill caps must be in place.
- (33) Fuel Cap - A fuel cap must be in place on the fuel tank fill tube to prevent fuel from coming out while the vehicle is at rest or in motion.
- (34) Mirrors - All original mirrors must be intact with

unbroken glass and comply with state rules governing mirrors.

- (35) Driver's age - Any driver of a vehicle shall be at least 21 years of age.
- (36) Driver's license/permit - All drivers shall have obtained and have in their possession a valid driver's license unless exempted by state law.
- (37) Waiver of physical disqualification - Must be carried on their person. This is a waiver signed by a licensed physician stating that the driver is eligible to safely operate a vehicle licensed according to the terms of this chapter.
- (38) Sickness or fatigue - All drivers must be physically capable of operating a vehicle in a safe manner. Drivers shall not be impaired by fatigue, illness or other medical conditions to an extent that would render him/her incapable of safely operating a motor vehicle or would pose a liability to himself/herself, his/her passengers or the general public.
- (39) Drugs/intoxicating beverages - No driver shall operate a vehicle or be in actual physical control of a vehicle while under the influence of alcohol and/or any substance, which impairs the mental or physical faculties of such person to a degree, which renders him/her incapable of safely operating the vehicle.
- (40) Meter Seals - Meter seal shall not be removed, altered, or mutilated in any way.

**Sec. 8-343. Penalty.**

An offense against any provision of this ordinance shall be a violation which shall be punishable by a fine of not more than five hundred (\$500.00) dollars, or imprisonment, for a period not exceeding six (6) months, for each such offense, or by both such fine and imprisonment.

**Sec. 8-344. Severability.**

If any clause, sentence, section, paragraph or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such judgments shall not affect, impair, or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, section, paragraph or provision directly

involving in the controversy in which such judgment shall have been rendered.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
President of the City Council of  
The City of Huntsville, Alabama

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor of the City of Huntsville, Alabama